

Notice of Allowability

Application No.

09/989,136

Examiner

Tammara R. Peyton

Applicant(s)

SAINT-HILAIRE ET AL.

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 6/22/07 and Applicant's Attorney on 7/2/07.
2. ☒ The allowed claim(s) is/are 1-3,5,31,32 and 36-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TAMMARA PEYTON
PRIMARY EXAMINER



Election/Restrictions

Restriction to one of the following inventions is requirement under 35 U.S.C. 121:

I. Claims 1-3, 5, 31, 32, 36-40 are directed to a method for controlling a remote device, comprising: defining a service-specific protocol to facilitate remote control of a service provided by the remote device, wherein the service-specific protocol defines display commands that are used to display content on the display device by sending display commands and data pertaining to the display content from the host computer to the remote device over the network communication link; sending data corresponding to the service provided by the remote display device via a host-side software module running on the host computer in a format defined by the service-specific protocol from the host computer to the remote display device over a network communication link; and sending control commands from the host computer to the remote display device based on the service-specific protocol to cause the remote device to perform the service using the data that are sent to the remote display device, classified in class 710, subclass 11.

II. Claims 6, 10-12, 14, and 15, are directed to a method for enabling interaction between a remote audio device and a host computer, comprising: discovering a service provided by the remote audio device; establishing a network communication link between the remote audio device and the host computer; launching a host-side software module to run on the host computer to enable interaction with the service via a service protocol that is specific to the service and a client-side component running on the remote audio device, wherein the service protocol includes audio commands that are used to playback audio content on the audio device

Art Unit: 2182

by sending audio commands and audio data pertaining to the audio content from the host computer to the audio device over the network communication link; sending data corresponding to the service from the host computer to the remote audio device over the network communication link; sending commands from the host computer to the remote audio device based on the service protocol; and performing service operations corresponding to the service with the remote audio device that employ the data sent to the remote audio device and are performed in response to the commands received from the host computer, classified in class 710, subclass 8.

Inventions I and II, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as "wherein the service protocol includes audio commands that are used to playback audio content on the audio device by sending audio commands and audio data pertaining to the audio content from the host computer to the audio device over the network communication link; sending data corresponding to the service from the host computer to the remote audio device over the network communication link; sending commands from the host computer to the remote audio device based on the service protocol; and performing service operations corresponding to the service with the remote audio device that employ the data sent to the remote audio device and are performed in response to the commands received from the host computer," See MPEP j 806.05(d).

EXAMINER'S AMENDMENT AND REASON FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Pursuant to MPEP 606.01, the title has been changed to read:

--METHOD AND ARCHITECTURE TO SUPPORT INTERACTION BETWEEN HOST
COMPUTER AND REMOTE DEVICES WHEREIN SERVICE-SPECIFIC PROTOCOLS FOR
THE REMOTE DEVICES ARE DEFINED --

A called was placed to Applicant's Attorney Jan Little-Washington, Reg. No. 41,181, on 07/02/07 informing Applicant of Examiner's restriction of claims **1-3, 5, 31, 32, 36-40** and **6, 10-12, 14, and 15** as Inventions I and II related as subcombinations disclosed as usable together in a single combination. Attorney Jan Little-Washington agreed to elected over the phone Invention I without traverse and also agreed to canceling the claims of Invention II (**6, 10-12, 14, and 15**) without traverse, therein these claims can be filed in a continuation or divisional application. The following changes to claims 6, 10-12, 14, and 15 have been approved by Examiner and agreed upon by Attorney Jan Little-Washington.

The application has been amended as follows:

CLAIM 6 (CANCELED)

CLAIM 10-12 (CANCELED)

CLAIM 14 (CANCELED)

CLAIM 15 (CANCELED)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100. Mailed responses to this action should be sent to:

Art Unit: 2182

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

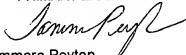
Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

TAMMARA PEYTON
PRIMARY EXAMINER



Tammara Peyton

July 2, 2007